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| APPLICATION NO.           | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.      | CONFIRMATION NO. |
|---------------------------|-------------|----------------------|--------------------------|------------------|
| 10/694,538                | 10/26/2003  | Christ G. Ellis      | 2002-1897.CIP            | 3653             |
| 23165                     | 7590        | 06/29/2005           |                          | EXAMINER         |
| ROBERT J JACOBSON PA      |             |                      | TWEEL JR, JOHN ALEXANDER |                  |
| 650 BRIMHALL STREET SOUTH |             |                      |                          |                  |
| ST PAUL, MN 551161511     |             |                      | ART UNIT                 | PAPER NUMBER     |
|                           |             |                      | 2636                     |                  |

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/694,538             | ELLIS, CHRIST G.    |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | John A. Tweel, Jr.     | 2636                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 October 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) 1-7, 9-31 and 33-54 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 8 and 32 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 April 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/26/03.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. 6/23/05.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claim 1, drawn to sensors for voice and video data, classified in class 701, subclass 200.
  - II. Claim 2, drawn to broadcast transmitters, classified in class 455, subclass 91.
  - III. Claim 3, drawn to receivers, classified in class 455, subclass 130.
  - IV. Claims 4 and 43, drawn to overriding sound systems, classified in class 181, subclass 125.
  - V. Claims 5, 6, 11, 12, 24, 26, 28, 29, 31, 34, 41, and 46, drawn to anti-skid systems, classified in class 152, subclass 208.
  - VI. Claim 7, drawn to artificial intelligence, classified in class 706, subclass 905.
  - VII. Claims 8 and 32, drawn to in-vehicle display of speed limit, classified in class 340, subclass 905.
  - VIII. Claim 9, drawn to satellite navigation, classified in class 701, subclass 200.
  - IX. Claim 10, drawn to CB radio, classified in class 455, subclass 130.

- X. Claims 13, 27, 30, 39, 40, and 44, drawn to vision enhancement, classified in class 345, subclass 7.
- XI. Claim 45, drawn to GPS, classified in class 455, subclass 12.1.
- XII. Claim 14, drawn to computer telephony, classified in class 455, subclass 40.
- XIII. Claims 15-19, 22, and 38, drawn to microwave radar, classified in class 356, subclass 3.
- XIV. Claims 20 and 21, drawn to obstruction sensing, classified in class 340, subclass 901.
- XV. Claim 23 and 54, drawn to tracking people and vehicles, classified in class 340, subclass 944.
- XVI. Claim 25, drawn to lane changing, classified in class 340, subclass 903.
- XVII. Claim 33, drawn to vehicle counting, classified in class 340, subclass 909.
- XVIII. Claims 35 and 36, drawn to perimeter sensing, classified in class 180, subclass 279.
- XIX. Claim 37, drawn to law enforcement control, classified in class 180, subclass 287.
- XX. Claim 42, drawn to vehicle diagnostics, classified in class 340, subclass 439.
- XXI. Claims 47 and 48, drawn to emissions detecting, classified in class 374, subclass 9.

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XXII. Claim 49, drawn to in-vehicle emergency lights, classified in class 340, subclass 438.

XXIII. Claim 50, drawn to identification addresses, classified in class 705, subclass 29.

XXIV. Claim 51, drawn to railroad crossings, classified in class 105, subclass 27.

XXV. Claims 52 and 53, drawn to impaired driver detection, classified in class 340, subclass 426.12.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I-XXV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, inventions I-XXV have separate utility such as detecting pedestrian safety, control of vehicle speed, vehicle navigation, satellite communications, and communications using radar and other formats. See MPEP § 806.05(d).

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Robert Jacobson on 6/17/05 a provisional election was made with traverse to prosecute the invention of invention VII, claims 8

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and 32. Applicant in replying to this Office action must make affirmation of this election. Claims 1-7, 9-31, and 33-54 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### ***Drawings***

5. The drawings are objected to because there is no Figure 31 as recited in the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the meteorological sensor must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

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art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claim 32 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Merely repeating the claim language in the specification is not sufficient to enable one to use an in-vehicle display and a meteorological sensor therewith. Not only is there no mention of it in the drawing package, there is absolutely no detail that instructs one of even the slightest knowledge of electronics to make and use the invention.

### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by **Vaughn** [U.S. 5,485,161].

For claim 8, the vehicle taught by Vaughn provides the current posted speed limit on a display in the vehicle using GPS data (Col. 2, Lns. 14-23).

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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**Peretz** [U.S. 5,819,198] monitors for speed limit violations to warn a driver.

**Van Ryzin** [U.S. 5,844,505] uses a camera to gather speed limit information.

**Overbeck et al** [U.S. 6,072,387] triggers a control or warning process in a motor vehicle.

**Clapper** [U.S. 6,161,072] stores information regarding speed limits for a cruise control system.

**Heslin et al** [U.S. 6,326,613] links a vehicle mirror with a rain sensor.

**Awada** [U.S. 6,515,596] reports the posted speed limit to the driver of a vehicle.

**Colmenarez et al** [U.S. 6,693,555] automatically sets variable speed limits.

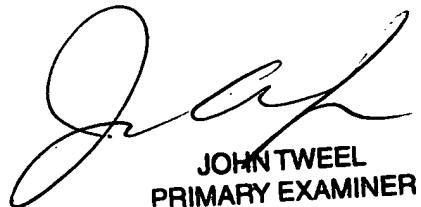
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Tweel, Jr. whose telephone number is 571 272 2969. The examiner can normally be reached on M-F 10-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on 571 272 2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAT  
6/25/05



JOHN TWEEL  
PRIMARY EXAMINER